

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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November 30, 2004

FROM: PATRICK J. MEAD, Director
Department of Public Works – **Flood Control**

**SUBJECT: AMENDMENT NO. 2 TO CONTRACT NO. 04-842 WITH GOLDEN
STATE FENCE COMPANY**

RECOMMENDATION: Acting as governing body of the Flood Control District (District): Approve Amendment No. 2 to contract No. 04-842 with Golden State Fence Company, increasing the Contract amount by \$14,110, from \$161,583 to \$175,693 for additional work related to the Lenwood Spreading Grounds Fencing Project in the Lenwood Area.

BACKGROUND INFORMATION: On August 10, 2004, the Board approved subject contract in the amount of \$149,133, authorized a contingency fund of \$14,913 and authorized the Flood Control Engineer to execute changes in the contract should they become necessary in the future for a total amount not to exceed \$14,913 for the Lenwood Spreading Grounds Fencing Project in the Lenwood area. One (1) Amendment (Contract Change Order) in the amount of \$12,450 has been previously approved for the project.

During construction it was discovered that the contract quantity for Contract Item No. 3, "Chain Link Fence (Type CL-6)," that was based on the engineer's estimate is not adequate and must be increased to complete the project in accordance with project plans and specifications. This resulted in a net increase of \$14,110 at the contract unit price.

Accordingly, an increase in the amount of the contract by \$14,110 (9.46% of the original contract amount) is necessary to compensate the contractor for the additional work required to complete the project in conformance with the approved plans. Since this increase is administrative in nature and is not the result of a change in scope or character of the original contract, it does not constitute a modification of the project within the meaning of Public Contract Code Section 20136. Therefore, the provisions and limitations set forth therein do not apply, however, Board approval is required because the increase exceeds the amount in the contingency fund authorized for the project. The total of all changes to date for this project, including this Amendment 2 is \$26,560 (17.81% of the original contract amount).

REVIEW AND APPROVAL BY OTHERS: This item was reviewed and approved by Deputy County Counsel Charles S. Scolastico (387-5481) on November 16, 2004 and by the County Administrative Office (Tom Forster, Administrative Analyst, 387-4635) on November 17, 2004.

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FINANCIAL IMPACT: The cost for this Amendment is \$14,110. Funds for this cost are available in the Zone 4 2004/2005 Fiscal Year budget (RFQ-094-094-200-2445-11F01719).

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and concurs with the District's recommendation because the installation of fencing and gates at the Lenwood Spreading Grounds is needed to improve safety and security at this site, and the additional cost related to this item is necessary to complete the project in accordance with the approved plans and specifications.

SUPERVISORIAL DISTRICT(S): 1ST

PRESENTER: Patrick J. Mead, 387-7906

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